

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

(1) Joseph Thomas Smith 76280-083

(Name of Plaintiff) (Inmate Number)

USP Allenwood

P.O. Box 3000 White Deer, PA 17887

(Address)

(2)

(Name of Plaintiff) (Inmate Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

(1) Theodore D. Bruns

(2) Claire G. Cardwell

(3) _____
(Names of Defendants)

(Each named party must be numbered,
and all names must be printed or typed)

3:18cv1060
(Case Number)

CIVIL COMPLAINT

FILED
SCRANTON

MAY 18 2018


PER _____
DEPUTY CLERK

TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS

28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

1/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? Yes No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? Yes No
- C. If your answer to "B" is Yes:
 - 1. What steps did you take? n/a
 - _____
 - 2. What was the result? n/a
 - _____
- D. If your answer to "B" is No, explain why not: Administrative remedies do not apply to this instant action and the defendants named

III. DEFENDANTS

(1) Name of first defendant: Theodore D. Bruns

Employed as Attorney at Law at Blackburn, Conte, Schilling & Click, P.C.
 Mailing address: 300 W. Main Street Richmond, VA 23220

(2) Name of second defendant: Claire G. Cardwell

Employed as Attorney at Law at Stone, Cardwell, & Dinkin, PLC
 Mailing address: 101 Shockoe Slip, Suite K Richmond, VA 23219

(3) Name of third defendant: _____

Employed as _____ at _____

Mailing address: _____

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. On November 12, 2013, the defendants in this instant complaint filed with an attorney for the Government a Joint Declaration. The attorney for the Government submitted this Joint Declaration with the Government's

Response In Opposition To Petitioner's Motion under § 2255 in order to

2. Substantiate the Government's claims and to refute, in, the Petitioner's claims. The Joint Declaration submitted by the defendants in this instant complaint contained numerous untruthful statements and were supported by deliberately altered documents. As a direct result, the
3. Government, with the assistance of the defendant's in this instant complaint, effectively denied, I, the petitioner from gaining post-conviction relief and intentionally undermined the fairness of the post-conviction procedures, deliberately violating my 5th, 6th, 8th, and 14th Amendment rights.

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. A Declaratory Judgement to my claims that my 5th, 6th, 8th, 14th Amendment rights have been violated and resulted in a complete Miscarriage of justice inconsistent with the rudimentary demands of fair procedures, and undue suffering. Compensatory damages in the amount of \$1,000,000.00 U.S. dollars
2. jointly and/or separately.
Punitive damages in the amount of \$1,000,000.00 U.S. dollars.
A Jury Trial Demand and Appointment of Counsel to represent petitioner in the instant complaint.
3. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 14th day of May, 2018.

Joseph Thomas Smith
(Signature of Plaintiff)

5/14/2018

Dear Clerk of the Court,

I am writing you in regards to the enclosed documents. I have attempted to comply with the instructions and procedures to the best of my ability. I am not totally sure that I did so correctly nonetheless.

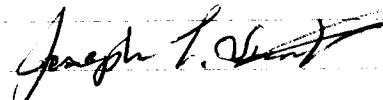
I understand that you are unable to provide legal advice in this matter but in the event that I have indeed made a mistake I ask that you will correct it on my behalf. For instance, on the "Waiver of The Service of Summons" form I was instructed to place the "Defendant's name" in "Block 5". "Block 5" asks for the plaintiff's name so I placed my name as opposed to what was instructed.

Also, on the Form USM-285 where it instructs me to "Check for service on U.S.A." I left it blank. I am aware that the attorneys who represented me in my federal case are considered "Officers of the Court" but I'm not positive whether they are considered federal officials or not. Please amend this if necessary.

Lastly, on the "Civil Complaint" form itself it states "To be filed under". Again I am not sure which is the proper field to indicate. I'm not certain whether the attorneys are considered state officials, federal officials, or neither.

I ask that you please bear with me and construe my complaint accordingly. I am a federal prisoner convicted in a federal District Court. I am attempting to file a civil complaint against the attorneys who represented me due to deliberate indifference, intentional gross negligence, malpractice, and for causing undue suffering. I am not making frivolous claims without merit nor bald assertions. I have been wronged and my claims are factual and will be substantiated. I will be grateful to the utmost for your patience, time, and assistance. Thank you.

Respectfully yours,



Joseph Smith 76280-083
United States Penitentiary Allenwood
P.O. Box 3000
White Deer, PA 17887

RECEIVED
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MAY 18 2018
PER *[Signature]* DEPUTY CLERK

Mailed From US Penitentiary

MAY 14 2018

Clerk
U.S.
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Scr

Legal Mail